

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

January 18, 2005
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, and Degginger

ABSENT: Mayor Marshall and Councilmember Lee

1. Call to Order

The meeting was called to order at 8:00 p.m. by Deputy Mayor Noble, who presided. Mr. Noble explained that an Executive Session extended throughout the entire 6:00 p.m. Study Session. Therefore, the sole Study Session agenda item will be discussed during the Consent Calendar [Agenda Item 8].

Mr. Noble noted that Mayor Marshall and Councilmember Lee are in Washington, D.C., this week.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mayor Marshall and Councilmember Lee were present. Ms. Balducci led the flag salute.

(a) Presentation of Donation from Bellevue Youth Theatre Foundation

Lisa Goodman, Bellevue Youth Theatre Foundation President, presented a check for \$12,000 to the Bellevue Youth Theatre. The money will help fund the Meydenbauer show, lighting and sound upgrades, and the construction of a new wood floor at the theatre. Tonya Perpich reported that the theatre now has new classes and computer equipment. She thanked City Council, the Parks Department, and the community for their support. Ms. Goodman described plans for future facility upgrades and an enhanced partnership with Bellevue School District.

James McClain, Program Director, thanked Council and the Foundation and noted that Bellevue Youth Theatre will celebrate its 15th year in December.

Deputy Mayor Noble thanked Bellevue Youth Theatre Foundation for the donation and praised the group for its productions and role in the community.

3. Communications: Written and Oral

- (a) David Baum commented in anticipation of the potential siting of Tent City IV in Bellevue. He volunteers with Eastside Cares, a coalition of churches and individuals providing logistical and material support to Tent City IV, now located on Finn Hill in unincorporated King County. Tent City IV is sponsored by SHARE/WHEEL (Seattle Housing and Resource Effort/Women's Housing Equality and Enhancement League). To address allegations that SHARE/WHEEL is a "social terrorist group," Mr. Baum clarified that the group is a 501(c)3 tax-exempt charitable organization with an annual budget of \$512,000. Most of SHARE/WHEEL's revenue comes from the City of Seattle and it is the largest provider of shelters in the Pacific Northwest. The organization's board includes representatives from United Way and religious groups. Mr. Baum thanked the City of Bellevue for its proactive approach to the land use issues associated with Tent City IV.
- (b) Marcia McGhee continued her ongoing communications regarding her 2001 sexual assault and her desire for Bellevue Police to complete a suspect statement. She has had four surgeries as a result of the attack and Bellevue Police are not returning phone calls to her doctors. Ms. McGhee said her attacker admitted guilt and she received a civil judgment of \$350,000 from their mutual employer at the time. She is concerned he will continue to engage in sexual assaults, particularly against other handicapped adults.
- (c) Arnie Brandon is opposed to Holy Cross Church hosting Tent City IV on its property at 4315 129th Place SE, which is less than one mile from Factoria Mall and Newport High School. He read examples of police cases from the Tent City in Bothell. Mr. Brandon urged Council and staff to not grant a temporary use permit for Tent City IV.
- (d) Gay Saunders, Holy Cross Lutheran Church, is a member of the church and lives across the street. She works as a volunteer serving food to the homeless. However, she feels this is a bad location for Tent City IV due to the numerous schools and daycare centers nearby. Ms. Saunders said her concerns include security, alcohol and drug use, and inadequate medical and mental health care.
- (e) Steven Pyeatt, Communities for Fair Process (TentCitySolutions.com), said their web site referred to the homeless camp as a social terrorist group following a threat last May to King County Executive Ron Sims to take over a county park. There were approximately 108 police reports at the Bothell camp location including felony arrests and security personnel using methamphetamines. Mr. Pyeatt said the camps do not provide needed services to help the homeless move out of their situation.

4. Reports of Community Councils, Boards and Commissions

(a) Youth Link Board Report

Helena Stephens, Acting Recreation and Special Services Manager, introduced Doreen Cato, adult Co-Chair, and Shivam Rai, youth Co-Chair of the Bellevue Youth Link Board. Ms. Cato described two top priorities for the Board's 2005 work plan: 1) establishment of a Bellevue Youth Court, and 2) initiation of a citywide Youth Community Service Day. They distributed invitations to Council for the 7th Annual Youth Link Gumbo Night to be hosted by former Board Co-Chair Sherry Grindeland on February 16.

5. Report of the City Manager

(a) Update on Tent City IV

City Manager Steve Sarkozy noted the management brief on page 5-1 of the meeting packet and asked staff to provide an update regarding Tent City IV. He asked staff to provide information on the process for permitting should the City be asked to host Tent City IV.

Kate Berens, Legal Planner, said the City has not received an application to locate Tent City IV in Bellevue. There have been discussions between SHARE/WHEEL and Holy Cross Lutheran Church about the potential for the church to host a tent city. Upon learning this, City staff contacted SHARE/WHEEL and were informed that Holy Cross has not yet made a decision. The church informed SHARE/WHEEL it would not be prepared to host a camp beginning on February 20, which is the date the current camp must be moved. No other Bellevue sites have offered to host the camp.

Ms. Berens said the applicable TUP (temporary use permit) process and decision criteria are outlined in the management brief in the Council packet. The Planning and Community Development Director has the authority to issue a decision. The TUP process does not require public notice, the opportunity for public comment, or an administrative appeal option. Any challenge to the Director's decision would go directly to Superior Court.

Ms. Berens said Tent City has used three Eastside locations to date, and in some cases it had not either applied for or received the required land use permits. If this happens in Bellevue, the City's code compliance process will be initiated. Additional information is available on the City's web site at www.cityofbellevue.org and citizens can sign up to receive emails from the City as new information becomes available.

Responding to Dr. Davidson, Ms. Berens confirmed that the City Council is not involved in the TUP process.

Responding to Mr. Degginger, Ms. Berens said the decision criteria regarding a temporary use that is "materially detrimental to the public health, safety, and welfare" would be applied by collecting information associated with previous tent city locations and conducting an evaluation based on a specific Bellevue site if and when it is identified.

(b) Leadership Eastside

Mr. Sarkozy noted the management brief on page 5-5 and explained that Advance Bellevue and the Leadership Institute have both graduated their final classes. Leadership Eastside will continue as the forum for the development of the Eastside's next generation of leadership. Mr. Sarkozy described staff's plans to reprogram funds originally provided for Advance Bellevue to the Leadership Eastside program. Additional supporters include The Boeing Company, City of Kirkland, First Mutual Bank, Overlake Hospital Medical Center, Evergreen Hospital, Puget Sound Energy, King County Journal, City of Redmond, and the Port of Seattle.

Deputy Mayor Noble expressed support for the funding and noted that at least three current Councilmembers participated in the predecessor programs. Mr. Degginger is pleased with the City's financial support of the program.

6. Council Business

Dr. Davidson attended meetings of the WRIA-8 Forum and the Regional Water Quality Committee.

Ms. Balducci attended meetings of the 520 Executive Board and Lake Hills Shopping Center Stakeholders.

Mr. Degginger attended Enterprise Seattle's Economic Forecast Workshop and meetings of the Planning Commission, Lake Hills Stakeholders, and Cascade Water Alliance Board.

Mr. Chelminiak attended Puget Sound Regional Council's Economic Development District meeting and an open house regarding Sound Transit Phase 2.

Deputy Mayor Noble and Mr. Chelminiak testified at public hearings regarding King County's redistricting. Mr. Noble attended meetings of the Eastside Human Services Forum Board and the Eastside Transportation Partnership. He invited Councilmembers to a lunch with state legislators on January 26 in Olympia. Mr. Noble attended a regional transportation partnership workshop hosted by PSRC.

7. Approval of the Agenda

➡ Mr. Chelminiak moved to approve the agenda, and Mr. Degginger seconded the motion.

➡ The motion to approve the agenda carried by a vote of 5-0.

8. Consent Calendar

Deputy Mayor Noble suggested pulling item 8(j) for Council discussion.

➡ Dr. Davidson moved to pull item 8(j) for discussion, and Mr. Degginger seconded the motion.

- ➡ The motion to pull item 8(j) for discussion carried by a vote of 5-0.
- ➡ Mr. Degginger moved to approve the Consent Calendar, with the exception of item 8(j), and Ms. Balducci seconded the motion.
- ➡ The motion to approve the Consent Calendar, amended to pull item 8(j), carried by a vote of 5-0, and the following items were approved:
 - (a) Minutes of January 3, 2005 Special Meeting (Legislative Breakfast)
Minutes of January 3, 2005 Study Session
Minutes of January 3, 2005 Regular Session
Minutes of January 10, 2005 Extended Study Session (Executive Session)
 - (b) Motion to approve payment of claims for the period of January 1 through January 14, 2005, and payroll for the period of December 16 through December 31, 2004.
 - (c) Resolution No. 7127 authorizing execution of a two-year contract with Clear Point, LLC, in an amount not to exceed \$132,000 for health and welfare benefit consulting services for the City's health and welfare benefit programs.
 - (d) Resolution No. 7128 authorizing execution of a Support Services Agreement with PeopleSoft USA, Inc., in an amount not to exceed \$86,788.52 for maintenance and support services related to the OneWorld software program.
 - (e) Resolution No. 7129 authorizing approval of a fourth amendment to the Professional Services Agreement with Graham & Dunn, P.S., for a total contract amount not to exceed \$265,000 for legal representation in the lawsuit of Newport Yacht Club, et al, concerning sediment and storm water runoff in the Coal Creek Basin.
 - (f) Resolution No. 7130 authorizing execution of a Professional Services Agreement with Shannon & Wilson, Inc., in an amount not to exceed \$160,247 for environmental analysis, environmental permitting assistance, traffic engineering, and geotechnical engineering services to assist in the design of the Mercer Slough Environmental Education Center (MSEEC) at the Mercer Slough Nature Park. (CIP Plan No. P-AD-69)
 - (g) Resolution No. 7131 authorizing execution of an interlocal agreement with the King County Sheriff's Office in the amount of \$58,249 to provide marine patrol services on Lake Washington and Lake Sammamish during 2005.
 - (h) Resolution No. 7132 authorizing execution of an interlocal agreement with King County for continuation of the E-911 Emergency Telephone Program.
 - (i) Resolution No. 7133 authorizing execution of the first amendment to the interagency agreement with King County for reimbursement in the amount of

\$56,369.40 for Domestic Violence Victim Advocacy Services.

Item for Council Discussion:

- (j) Resolution No. 7134 authorizing execution of Right-of-Way Use Agreements with NewPath Networks and NextG Networks for installation of fiber optic cable to provide wireless capacity to wireless operators.

David Kerr, Franchise Manager, explained that NewPath Networks and NextG Networks are “carriers’ carriers” and do not sell services to end users. They provide wireless capacity to wireless operators who then provide the service to customers. This results in the use of a single antenna by multiple companies, which reduces the deployment of cellular antenna facilities. Mr. Kerr displayed photos of the equipment, which is relatively small and unnoticeable when installed on a normal utility pole. The current applications for right-of-way use agreements for the installation of fiber optic cable will extend wireless service into areas with weak or no service.

Mr. Chelminiak was involved in addressing this issue while previously serving on the Planning Commission. He is pleased with the ability to enhance service in neighborhoods using smaller equipment than what was available just a few years ago.

➡ Mr. Degginger moved to approve Resolution No. 7134, and Ms. Balducci seconded the motion.

➡ The motion to approve Resolution No. 7134 carried by a vote of 5-0.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions:

12. Unfinished Business: None.

13. Continued Oral Communications

- (a) Arnie Brandon continued his comments in opposition to the placement of a Tent City at Holy Cross Lutheran Church. He urged staff in charge of evaluating TUP applications to visit the proposed site. He noted the site’s proximity to daycare centers, schools, and school bus stops. Mr. Brandon asked staff to listen to the community’s opposition regarding Tent City IV. He said the camps are doing nothing to solve the homeless problem.
- (b) John O’Neill, a Kirkland resident and homeless advocate, said the Tent City model is a failed model in terms of cost and the concept of supported housing which ideally provides services such as counseling in addition to food and shelter. He said there are

now one-year moratoriums on tent cities in Bothell and Woodinville to allow them to conduct impact assessments. It cost the City of Woodinville more than \$100,000 to support Tent City. Mr. O'Neill encouraged Bellevue to support solutions incorporating appropriate and realistic services. He expressed concern about locating tent cities near children and the problem of those turned away by the camps. He noted United Way's "Out of the Rain" program as a favorable model.

- (c) Steven Pyeatt said he provides housing and assistance to one person at a time in his home who would otherwise be homeless. At least \$700,000 has been spent since May on Tent City IV by Bothell, Woodinville, King County, groups, and individuals to keep less than 100 people living in tents. Mr. Pyeatt said the money would be better utilized by organizations such as the Springboard Alliance, which provides support services for the homeless. Heritage Christian School lost \$260,000 in revenue as a result of Tent City IV's location in Bothell. Mr. Pyeatt said churches must abide by reasonable zoning regulations. He noted that homeless people have stayed behind in every community that has hosted a tent city.

Councilmember Degginger requested copies of the police reports associated with previous tent city locations.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:12 p.m., Deputy Mayor Noble declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw